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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,210

10/13/2004

John R. Kinghorn

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

02/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,210

Applicant(s)

KINGHORN, JOHN R.

Examiner

Motilewa Good-Johnson

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12, 14, 15, 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims that are noted above as being rejected but that are not specifically cited below are rejected based on their dependency on rejected independent claims as incorporating the errors of those claims and not imparting any features leading to statutory subject matter.

Claims 1 and 10 as amended recite "an orientation of each character within the text label remaining constant with respect to other characters in the text label as the text label is flipped." Examiner finds insufficient support for this claim limitation in the specification. Applicant specification discloses flipping of the text label to remain upright, such as in figures 1A-1F, 2A-2H and 3A-3N. Applicant's specification discloses text labels and the orientating of text labels only, such as tables 1, 2 and 3. However, Applicants specification fails to disclose characters and the orientation of each character within the text label remaining constant with respect to other characters in the text label.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12, 14-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loughmiller, Jr. et al., in view of Arakawa et al., U.S. Patent Number 5,297,051.

Regarding claim 1, Loughmiller discloses a method of labeling an image for display on a screen comprising the steps of retrieving the image (col. 12, lines 54-56), displaying the image rotated (col. 5, lines 39-53, figures 3A-3J), and displaying first and second text labels on the image wherein each label identifies a part or feature of the image (figures 3A-3J), and wherein the first text label is displayed in accordance with one labeling scheme, and the second text label is displayed in accordance with a different labeling scheme (col. 4, lines 10-11, a selective and dynamic labeling scheme, which Examiner interprets as first text label with one labeling scheme and second text label with different labeling scheme respectively), wherein said first and second text labels are orientated within a predetermined deviation from a horizontal reference of the image (figure 2-2, shows Ye'Hm as a 30 degree separation, which Examiner interprets as producing an odd number of possible orientations as further disclosed by Applicants

specification, page 4, lines 5-12), and wherein the orientation of the text label is to ensure it remains upright when the text label (col. 2, lines 33-36)

However, it is noted that Loughmiller fails to disclose the orientation of the text label is flipped to ensure it remains upright when the text label one of approaches vertical, reaches vertical, and passes vertical, an orientation of each character within the text label remaining constant with respect to other characters in the text label as the text label is flipped.

Arakawa discloses a map display, which constantly displays characters of name data, associated with geographical data in legible order and direction. Arakawa further discloses wherein the orientation of the text label is flipped to ensure it remains upright when the text label one of approaches vertical, reaches vertical, and passes vertical (figures 5-9). Arakawa discloses an orientation of each character within the text label remaining constant with respect to other characters in the text label as the text label is flipped (col. 5, lines 18-67, character data is displaced from reference point corresponding to number of characters composing name, which Examiner interprets as an orientation of each character remaining constant with respect to other characters in the text label)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the labeling scheme having an upright orientation of text labels as

disclosed by Loughmiller, the flipping of the text labels as a label approaches vertical, reaches vertical and passes vertical and having a constant orientation with respect to other characters as disclosed by Arakawa, to remain upright as disclosed by Arakawa, to the name data or text label in legible order and direction in the screen of a display regardless of the changes in the direction of the map. One would be motivated to do so to allow a driver to read data with much ease.

Regarding claim 2, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated with the image (figures 3C-3F)

Regarding claim 3, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated to one of a plurality of possible orientations relative to the rotated image (col. 5, lines 3-9)

Regarding claim 4, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated to one of a plurality of possible orientations relative to the rotated image (figures 3C-3J); and wherein an angular separation between those possible orientations is constant (figures 2-2 and 2-3, col. 6, lines 17-50, the rotation of the axes of the base map BM coordinate system by an angle ($H_m - 90$), which Examiner interprets as constant angular separation between possible orientations)

Regarding claim 5, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated to one of an odd plurality of possible orientations relative to the rotated image (figures 3E and 3F)

Regarding claim 6, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels horizontal on the display (figures 3C, 3D, 3G-3J)

Regarding claim 7, Loughmiller discloses a method according to any preceding claim further comprising the step of displaying the image unrotated prior to displaying the image rotated, wherein the first and second text labels are displayed on the unrotated image in accordance with the same respective schemes as used for the rotated image (figures 3A and 3B)

Regarding claim 8, Loughmiller discloses a method according to claim 1 wherein each that scheme to which the text label is to be displayed (col. 11, lines 18-33, location scheme is displayed)

Regarding claim 9, Loughmiller discloses a method wherein the first and second text labels are members of first and second groups of text labels respectively (col. 4, lines 10-11, a selective and dynamic labeling scheme, which Examiner interprets as first text label with one labeling scheme and second text label with different labeling scheme respectively); and wherein text labels in the same group are displayed in accordance

with the same labeling scheme (col. 5, lines 3-9, for selective labeling only certain streets are labeled and for dynamic the labels are position to be readable as the map display moves in translation and/or rotation)

Regarding claim 10, Loughmiller discloses a method of labeling an image for display on a screen comprising the steps of retrieving the image, displaying the image rotated, and displaying a text label on the image rotated to one of a plurality of possible orientations relative to the rotated image (figures 3A-3J), wherein said text label is oriented with a predetermined deviation from a horizontal reference of the image (figures 2-2 and 2-3, col. 6, lines 17-50, the rotation of the axes of the base map BM coordinate system by an angle ($Hm-90$), which Examiner interprets as constant angular separation between possible orientations)

However, it is noted that Loughmiller fails to disclose the orientation of the text label is flipped to ensure it remains upright when the text label one of approaches vertical, reaches vertical, and passes vertical, an orientation of each character within the text label remaining constant with respect to other characters in the text label as the text label is flipped.

Arakawa discloses a map display, which constantly displays characters of name data, associated with geographical data in legible order and direction. Arakawa further discloses wherein the orientation of the text label is flipped to ensure it remains upright

when the text label one of approaches vertical, reaches vertical, and passes vertical (figures 5-9). Arakawa discloses an orientation of each character within the text label remaining constant with respect to other characters in the text label as the text label is flipped (col. 5, lines 18-67, character data is displaced from reference point corresponding to number of characters composing name, which Examiner interprets as an orientation of each character remaining constant with respect to other characters in the text label).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the labeling scheme having an upright orientation of text labels as disclosed by Loughmiller, the flipping of the text labels as a label approaches vertical, reaches vertical and passes vertical and having a constant orientation with respect to other characters as disclosed by Arakawa, to remain upright as disclosed by Arakawa, to the name data or text label in legible order and direction in the screen of a display regardless of the changes in the direction of the map. One would be motivated to do so to allow a driver to read map data with much ease.

Regarding claim 11, Loughmiller discloses wherein the angular separation between those possible orientations is constant (figures 2-2 and 2-3, col. 6, lines 17-50, the rotation of the axes of the base map BM coordinate system by an angle (Hm-90), which Examiner interprets as constant angular separation between possible orientations)

Regarding claim 12, Loughmiller discloses wherein the angular separation between those possible orientations is constant and the number of possible orientations relative to the rotated image is odd (figure 2-2, shows Ye'Hm as a 30 degree separation, which Examiner interprets as producing an odd number of possible orientations as further disclosed by Applicants specification, page 4, lines 5-12)

Regarding claims 14 and 17, Loughmiller discloses a computer program to perform the method (col. 14, computer program structure)

Regarding claims 15 and 18, Loughmiller discloses apparatus having a display (36, col. 12, line 6) and a processor (12, computer) configured to perform a method according to claim 1 and 10 (col. 12, lines 17-21)

Regarding claims 19 and 20, Loughmiller discloses wherein the predetermined deviation is ± 30 degrees (figure 2-2, shows Ye'Hm as a 30 degree separation, which Examiner interprets as producing an odd number of possible orientations as further disclosed by Applicants specification, page 4, lines 5-12)

Response to Arguments

Applicant argues that Arakawa discloses a method of displaying a text label such that each character, within the text label, will remain vertical in the display and that in Arakawa the orientations of each of the characters of the text label are repositioned with respect to each other. Applicant argues that Arakawa does not disclose or suggest "an orientation of each character within the text label remaining constant with respect to other characters in the text label as the text label is flipped," as recited in claims 1 and 10.

Arakawa discloses character data is displaced from reference point, i.e. orientation, corresponding to number of characters composing name, which Examiner interprets as each character remaining constant with respect to other characters in the text label (col. 5, lines 18-67). It is therefore the position of the Examiner that by disclosing the repositioning of the characters, each character is remaining constant with respect to other characters in the text label, i.e. if one character is repositioned all characters are repositioned.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

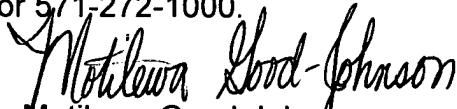
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson whose telephone number is (571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Wednesday 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/511,210
Art Unit: 2628

Page 12

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Motilewa Good-Johnson
Examiner
Art Unit 2628

mgj